



DMCJA Board of Governors Meeting
Friday, February 10, 2017, 12:30 p.m. – 3:30 p.m.
AOC SeaTac Office
SeaTac, WA

MEETING MINUTES

Members Present:

Chair, Judge G. Scott Marinella
Judge Scott Ahlf
Judge Linda Coburn
Judge Karen Donohue
Judge Douglas Fair
Judge Michelle Gehlsen
Judge Michael Lambo
Commissioner Rick Leo
Judge Mary Logan (non-voting) (via phone)
Judge Samuel Meyer
Judge Rebecca Robertson
Judge Douglas Robinson
Judge Charles Short (via phone)
Judge David Steiner

Guests:

Judge Sean O'Donnell, SCJA (via phone)
Ms. Paulette Revoir, DMCMA
Mr. Loyd Willaford, WSAJ

AOC Staff:

Ms. J Benway (via phone)
Ms. Vicky Cullinane (via phone)
Ms. Callie Dietz (via phone)
Ms. Sharon R. Harvey
Ms. Susan Peterson

Members Absent:

Judge Michael Finkle
Judge Janet Garrow (non-voting)
Judge Judy Jasprica (non-voting)
Judge Kevin Ringus (non-voting)
Judge Tracy Staab

CALL TO ORDER

Judge G. Scott Marinella, District and Municipal Court Judges' Association (DMCJA) President, noted a quorum was present and called the DMCJA Board of Governors (Board) meeting to order at 12:42 p.m. Judge Marinella asked attendees to introduce themselves.

GENERAL BUSINESS

A. Minutes

The Board moved, seconded, and passed a vote (M/S/P) to approve the Minutes for January 13, 2017, with a change on page 7. There was a typo in the second paragraph, on page 7 of the materials, and the text under "D. Presiding Judge and Administrator Education Committee" should read: "Judge Marinella informed that there are 'three' position vacancies for this Committee."

B. Treasurer's Report

M/S/P to approve the Treasurer's Report. Judge Robertson reported that she and Judge Meyer have provided DMCJA financial institutions the proper paperwork in order for Judge Meyer to handle DMCJA financial transactions as the newly appointed Treasurer. Judge Robertson has also provided DMCJA banks with the proper information in order to handle Special Fund monies as the newly appointed Vice President.

C. Special Fund Report

M/S/P to approve the Special Fund report. Judge Robertson reported she is receiving many Special Fund assessments, which she is carefully recording.

D. Standing Committee Reports

1. *Legislative Committee*

Judge Meyer gave an update on the six DMCJA proposed bills. He reported that both (1) House Bill (HB) 1195, *Surrender of Person Under Surety's Bond*, and (2) HB 1199/Senate Bill (SB) 5203, *Allowing Youth Courts to have Jurisdiction over Transit Infractions*, have passed out of the House unanimously. He reported that HB 1221, *Solemnization of Marriages by CLJ Commissioners*, also passed out of the House. Judge Meyer further reported that HB 1196/SB 5175, *Modifying Process to Recover Judgments in Small Claims Court*, has a hearing on March 15, 2017. He informed that HB 1478/SB 5342, *Discover Pass Penalty Distribution*, is now in the Appropriations Committee. The sixth bill, regarding municipal court DNA Samples to be tested by the Washington State Patrol lab has been included in HB 1111, Related to DNA Biological Samples.

Judge Meyer reported that HB 1614, *Concerning Impaired Driving*, modifies the impaired driving provision, and it further defines what constitutes "off the road." The bill is scheduled for a hearing. Judge Meyer informed that there are a lot less bills this year that impact the courts of limited jurisdiction. He also informed that the chamber budgets are not out yet, and that Melanie Stewart, Esq., DMCJA Lobbyist, is waiting for the budget forecast to be released.

2. *Rules Committee*

Ms. J Benway reported on Amendment CrRLJ 3.4, *Presence of the Defendant*, which was proposed by the Court Video Testimony Workgroup. Ms. Benway informed that the Court Video Testimony Workgroup is looking at legislative video conference proceedings under RCW 10.77. She referenced the DMCJA Rules Committee's proposed amendments. She expressed that the main issue is that the language is "mandatory," thus, the recommendation is that it is not mandatory but permissive. Ms. Benway informed that comments for the proposed rule must be submitted by April 30, 2017.

M/S/P to make this report topic a discussion item.

E. Trial Court Advocacy Board (TCAB) Update

Judge O'Donnell reported that the TCAB will not meet in February 2017. Thus, the next meeting is March 10, 2017. He said the group plans to revisit and revitalize the Justice in Jeopardy Initiative. This project will entail cleaning up language in the trial court improvement fund statute. The goal is to ensure that all funds are used solely for the courts.

F. Judicial Information Systems (JIS) Report

Ms. Cullinane provided an update regarding the courts of limited jurisdiction case management system (CLJ-CMS) Project. She informed that vendor demonstrations will take place February 13-24, 2017. Following the vendor demonstrations, the CLJ-CMS Project Steering Committee expects to have the apparent successful vendor named by May 2017, and expects to have the vendor on board and starting work in September 2017.

Ms. Cullinane also reported that the District and Municipal Court Management Association (DMCMA) is leading the charge on data cleanup road shows. There was a recent data cleanup training for Clallam and Jefferson counties. She said this will make the conversion to the new system much easier. There is a CLJ-CMS Data Cleanup folder set up in BOXI. Courts can run the reports in that folder to find data that needs cleanup. Ms. Cullinane stated that Whatcom County is next, followed by south and southwestern Washington. Additionally, the Administrative Office of the Courts (AOC) is working on moving prosecutors' and public

defenders' JABS access to be managed by the AOC, which will lighten court staffs' workload. The AOC and the DMCMA will go court-by-court to transition the JABS access.

Ms. Cullinane further informed that on Inside Courts, the CLJ-CMS Project website now has a complete legislative toolkit available that includes a one-page CLJ-CMS Project fact sheet for legislators and templates for letters to their legislators. She informed that a message regarding the CLJ-CMS Project, which contains the toolkit, is scheduled to go to the DMCMA and DMCJA listservs. Ms. Cullinane said she will follow up with those steering committee members assisting with this CLJ-CMS correspondence.

LIAISON REPORTS

A. District and Municipal Court Management Association (DMCMA)

Ms. Paulette Revoir, DMCMA President, reported that their next Board meeting is scheduled for March 9, 2017. The DMCMA continues to work with the AOC regarding JIS data cleanup for the CLJ-CMS Project. As previously reported, the annual DMCMA conference will be held May 21-24, 2017 at the Semiahmoo Resort in Blaine, Washington, and the conference theme is Change Management. Additionally, the DMCMA Long Range Planning Committee is meeting to discuss outreach programs, which include distribution of the DMCMA Connection newsletter.

B. Superior Court Judges' Association (SCJA)

Judge O'Donnell reported that the legislative teams are working well together this year, and that Mr. Tom Parker, SCJA Lobbyist, is pleased with how all legislative shops are collaborating. Judge Meyer, DMCJA Legislative Committee Chair, commended Mr. Brady Horenstein, AOC Associate Director of Legislative Relations, on his work this Legislative Session. Judge O'Donnell further reported that some legislative bills are moving forward. He said the SCJA hopes House Bill 1378, *Disqualification of Judges*, will pass out of the Legislature.

1. 3DaysCount Initiative Status Update

Judge O'Donnell provided a status update for the 3DaysCount Initiative. He informed that the Pretrial Reform Task Force has a planning meeting next Wednesday at noon, and that he, Judge Marinella, and Justice Yu and her staff plan to attend the Conference Call. The main points of discussion will include the following: (1) Who other than the principles should be on the task force, and (2) what is their time parameter? Judge O'Donnell also informed that the Pretrial Justice Institute Readiness Assessment draft is ready for review. He then reported that the Minority and Justice Commission has decided not to be one of the applicants. The DMCJA and SCJA, however, will apply for the 3DaysCount Initiative grant.

C. Washington State Association for Justice (WSAJ)

Mr. Willaford reported that the WSAJ's Judicial Relations Committee received feedback that members had experienced difficulty with some district courts scheduling only one or two days for civil trials, and that the Committee was concerned that if this was a general practice across the state then it might cause a reluctance to file some civil claims in district court. The Board suggested that the WSAJ contact presiding judges and/or district court judges throughout the state to address their concerns. After further discussion, it was also suggested that a statement with the WSAJ's concerns be sent to the DMCJA listserv. Judge Robertson will also speak with the WSBA RALJ Committee regarding the concern.

D. Administrative Office of the Courts (AOC)

Ms. Callie Dietz, State Court Administrator, reported that the AOC has been very busy, and they have done well with the legislative session. Work sessions have gone well this year. They have seen nothing on the budget yet. She will be in communication with Mr. Brady Horenstein, the new AOC Associate Director of Legislative Relations, regarding the needs of the courts. She further informed that Mr. Horenstein has been well received by the judicial community.

Information Technology (IT) projects are the AOC's main focus now, and the CLJ projects are exciting. She said the Superior Court Case Management System (SC-CMS) project is also interesting. The next SC-CMS Go Live starts in May 2017, and they will be rolling those out until the end of 2018. She informed that there are some concerns regarding the expedited data exchange. She said they need to find good people with the right experience, but are working through those issues and are optimistic.

Ms. Dietz said that she is pleased to work with the AOC staff supporting the DMCJA and SCJA, Ms. Sharon Harvey, Susan Peterson, Janet Skreen, Sondra Hahn, and Cindy Bricker. She feels this way the AOC and Associations can have a faster exchange of sharing information, and said the extra hands of Ms. Hahn and Ms. Peterson have been helpful, and should be especially helpful as Ms. Harvey moves into the DMCJA policy analyst role.

E. Board for Judicial Administration (BJA)

There was no BJA meeting in January. The February BJA meeting will be the first meeting with Chief Justice Mary Fairhurst. Additionally, the BJA Legislative Committee Reception is scheduled for March 14, 2017, from 5:20 p.m. to 7:30 p.m., at the Temple of Justice. DMCJA Board members are encouraged to attend.

ACTION

1. *CLJ-CMS Request for Proposal (RFP) Evaluators – Pro Tem Reimbursement Process*
M/S/P to set aside \$15,000 more for CLJ-CMS Pro Tem reimbursement. The additional funds will come from the Board's savings account and will only be used for the CLJ-CMS Project's evaluation process.

2. *DMCJA Policy Analyst Position Process Proposal*
M/S/P to adopt the proposed process regarding the new Policy Analyst position, which would require proposals to be submitted to Ms. Harvey, Policy Analyst, who would then forward proposals to the DMCJA Executive Committee for review and assignment prioritization.

DISCUSSION

A. CLJ-CMS Request for Proposal (RFP) Evaluators – Pro Tem Reimbursement Process
Judge Marinella informed that RFP Evaluators and CLJ-CMS Project Steering Committee members will spend two weeks visiting sites to evaluate vendors for the new case management system. The Board previously voted to allot \$15,000 for Pro Tem reimbursement for DMCJA RFP evaluators. He then asked the Board (1) how to divide the funds allocated to participating DMCJA members, and (2) whether CLJ-CMS Project Steering Committee members should qualify for Pro Tem reimbursement.

It was noted that according to contract, all CLJ-CMS Steering Committee members must attend vendor demonstrations alongside Association RFP Evaluators. The Board discussed the purpose for CLJ-CMS Project Steering Committee attendance when there are DMCJA RFP evaluators. Ms. Dietz, who serves on the Project Steering Committee, stated that experience with the superior court case management system (SC-CMS) project has shown them that it was beneficial when Steering Committee members can see how the product works and where there would be additional needs. Also, the demonstrations help to determine who the successful vendor will be, and, if Project Steering Committee members are confused or do not understand a feature, it gives them the opportunity to speak directly with the vendor regarding the product feature. Ms. Dietz noted, that although the Judicial Information Systems Committee will make the ultimate decision regarding the new CLJ-CMS, the JISC is relying on the judges and court administrators, who will actually use the product.

The Board discussed the importance of carefully evaluating a vendor for the new CLJ-CMS and inquired whether to provide additional funding in order for DMCJA Judges to hire pro tempore judges while they were evaluating the two vendors.

M/S/P to move this discussion topic to an action item.

B. Annual Dues Process

Judge Marinella informed that Judge Robertson had originally thought it would be best for the bookkeeper, Ms. Christina Huwe, to receive all the checks, and she wanted the Board to discuss whether next year all checks should be sent directly to Ms. Huwe. Judge Marinella, however, questioned whether it is really a best practice to have all the money going to the bookkeeper, and wondered if the Board should have a check and balance in place of it going to the treasurer first, then to bookkeeper. If it goes to the treasurer first, more than one set of eyes will be on the funds. It was noted that while it may be easier to have monies sent directly to the bookkeeper, there needs to be diligence since Board members are custodians of the DMCJA's money. Thus, oversight is needed. By general consensus, the Board agreed that it is best that all dues and assessments be sent first to the treasurer, and, then to the bookkeeper.

Judge Robertson further inquired whether all three bank accounts should be located at one financial institution. It was mentioned that this idea had been talked about in the past; however, there were some concerns. At that time, there was concern that if all funds were in one account, it might go over the FDIC limit, which was \$250,000. Additionally, there was an issue with Bank of America providing convenient customer service during officer transitions. It was suggested that the FDIC limit has been raised to \$500,000. Thus, Judge Robertson will look into the current FDIC limits to determine if the checking and savings accounts can be combined into one account and report back to the Board.

C. DMCJA Policy Analyst Position Process Proposal

Judge Marinella informed the Board that Ms. Harvey is the DMCJA Policy Analyst, which is a newly created position. He stated that he would like the Board's input on how best to utilize the Policy Analyst position for the association's benefit. He informed that a message regarding the process for receiving policy assignments is enclosed in the meeting materials. The proposed process is for association members to send policy ideas to Ms. Harvey, who would then present them to the DMCJA Executive Committee, which is comprised of DMCJA Board officers. The Board discussed whether to make this topic an action item.

M/S/P to make this an action item.

D. District Court Districting Committee – Adams County

Judge Marinella informed that he appointed Judge Adalia Hille to the District Court Districting Committee in Adams County, which presently had no DMCJA member. He explained to the Board that a DMCJA member on the Districting Committee is required by statute and that Judge Hille is the logical choice for the position. Judge Marinella will talk with Judge Hille and make sure she talks to Dirk Marler, AOC Director, who has worked on issues regarding Judicial Independence. Judge Robertson will also speak with Judge David Larson, Federal Way Municipal Court, to speak with Judge Hille regarding these issues.

E. Board Operational Rules – Whether to Add a Code of Civility

Judge Marinella informed that the question of whether to create a code of civility for meetings came up following a recent exchange between a judicial officer and an AOC staff member. As a result, Judge Marinella and Ms. Harvey discussed the idea of having a "code of civility" for judges in Washington. Ms. Harvey, who is a member of the Maryland Bar, which has an aspirational Code of Civility, provided Maryland's Code of Civility for the Board's reference. Judge Marinella asked members whether the Board should adopt a code of civility for meetings, which they could also take back to their own courts. The Board discussed the pros and cons of the idea, and if so whether it should be for all judges on all levels of court. In addition, the question arose of

who a code of civility should come from, such as the DMCJA judges or the Washington State Bar Association (WSBA). The Board decided that a Code of Civility should be presented by an entity other than its Association.

F. CrRLJ 3.4, Presence of the Defendant

This issue relates to the Court Video Testimony Workgroup's proposed amendment to CrRLJ 3.4, which the Supreme Court has published for comment by April 30, 2017. The DMCJA Rules Committee recommended that the Board submit a comment that the language be changed from "shall" to "may" regarding video conference proceedings under RCW 10.77.

M/S/P to make this discussion topic an action item for the March Board meeting.

INFORMATION

A. Presiding Judge and Administrator Education Committee

Judge Marinella informed that there are still three position vacancies for this Committee. Each vacancy has a term of three years.

B. Washington State Center for Court Research (WSCCR) Advisory Board

Judge Marinella informed that there is one vacant position for the WSCCR Advisory Board. The vacancy has a term of three years.

Another meeting announcement will be sent to the DMJCA listserv for each of these positions requesting volunteers. He also encouraged Board members to encourage members to apply for a position.

OTHER BUSINESS

A. Judge Marinella informed that the annual DMCJA Legislative Committee Reception is on March 17, 2017, from 12:15 p.m. to 1:15 p.m. at the Temple of Justice in Olympia. All Board members are invited, as are members of the House Judiciary Committee, House Public Safety Committee, House General Government & Information Technology Committee, and Senate Law & Justice Committee. He encouraged Board members to attend and to contact their legislators about attending as well.

Judge Gehlsen informed that the DMCJA Public Outreach Committee sent out a message that provided resources for Judges to use when contacting legislators.

B. Judge Marinella informed that conference planning is going well for the annual DMCJA Spring Conference, which is scheduled for June 4-7, 2017, at the Davenport Grand Hotel, in Spokane.

C. Judge Marinella encouraged Board members to contact either him or Ms. Harvey if there is anything specific they want added on the next Board meeting agenda. Agenda topics will be reviewed and considered by the DMCJA President.

D. The next DMCJA Board Meeting is April 14, 2017, 12:30 a.m. to 3:30 p.m., at the AOC SeaTac Office.

ADJOURNED at approximately 2:20 PM.